Nova Scotia

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ANNUAL REPORT

for the fiscal year
ending March 31, 1990

Department of Attorney General

91-06564/

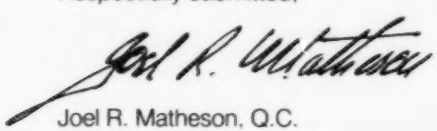
To His Honour

The Honourable Lloyd R. Crouse, P.C.
Lieutenant-Governor
Province of Nova Scotia

Sir:

I have the honour to submit herewith the annual report of the Department of Attorney General for the fiscal year ending March 31, 1990.

Respectfully submitted,



Joel R. Matheson, Q.C.
Attorney General

The Honourable Joel R. Matheson, Q.C.
Attorney General
Province of Nova Scotia

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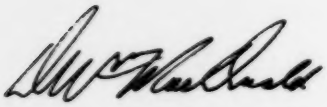

D. William MacDonald
Deputy Attorney General

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THE DEPARTMENT OF THE ATTORNEY GENERAL

PUBLIC PROSECUTIONS DIVISION

THE DEPARTMENT OF ATTORNEY GENERAL

INTRODUCTION

This Annual Report of the Department of Attorney General covers the fiscal year April 1, 1989, to March 31, 1990. It deals with those areas of the administration of justice that are within the constitutional jurisdiction of the Province of Nova Scotia.

This report is intended to provide factual information on the activities of the department that will give the reader a better understanding of the administration of justice in Nova Scotia.

MANDATE

The Public Service Act makes it a function of the Attorney General to:

- prosecute all criminal and penal offences;
- see that the administration of public affairs is in accordance with the law;
- advise the heads of the several departments upon matters of law concerning their departments;
- regulate and conduct all litigation for or against the Crown;
- administer justice through the operation of courts and registries.

To assist the Attorney General to carry out this mandate, the department is organized four functional divisions:

- Administration Division
- Legal Services Division
- Courts and Registries Division
- Public Prosecutions Division

In addition, several regulatory services and programs are administered by the department, including the Nova Scotia Securities Commission, the Expropriations Compensation Board, the Criminal Injuries Compensation Board, the Nova Scotia Legal Aid Commission, the Nova Scotia Horse Racing Commission, and the office of the Public Trustee.

The department had an operating budget of $37,295,000 and staff of 737.6 in the fiscal year 1989–90. The Attorney General administered 187 statutes.

MANAGEMENT OF THE DEPARTMENT

The department is managed by the Senior Management Committee, which consists of the Director of Finance, Manager of Information Services, Director of Field Operations, Personnel Manager, Executive Director (Legal Services), Executive Director (Courts and Registries), Director of Public Prosecutions, and the Deputy Attorney General, who acts as chairperson. This committee exercises management responsibility for the whole of the department and recommends to the Attorney General policies and priorities in relation to the department's operation.

HIGHLIGHTS

The Royal Commission on the Donald Marshall, Jr., Prosecution delivered its report which included a number of recommendations involving the Department of Attorney General. These recommendations were accepted by Government and their implementation was begun.

The office of Canada's first independent Director of Public Prosecutions was established. The D.P.P. is responsible for the conduct and administration of all public prosecutions and Crown appeals.

A Judicial Appointments Review Committee was established to aid Executive Council in making appointments to the Provincial and Family Court benches.

The Court Structure Task Force was established to examine Nova Scotia's court system and to make recommendations as to how it may be made more efficient, accessible and understandable.

The office of Public Information Officer was established to provide prompt replies to inquiries received from the public and the media.

The Victims' Rights and Services Act was proclaimed effective January 1, 1990. A province-wide victims' needs assessment was begun.

The Registry of Regulations was transferred to the Attorney General's department from the Solicitor General's department.

The department initiated a delinquent fine collection program.

ADMINISTRATION DIVISION

RESPONSIBILITIES

The responsibilities of the Administration Division include a wide range of administrative support functions. The following represents a summary of the tasks performed:

- providing the financial, administrative, and personnel support services for the entire department;
- providing the accounting, financial, and information reporting systems;
- providing the centralized processing of invoices;
- providing budget coordination with all divisions;
- developing and implementing a wide range of personnel services;
- providing recruitment, selection, and human resource training as required;
- providing compensation and salary administration;
- monitoring performance appraisals, as well as organizational reviews and development;
- managing space utilization, equipment and vehicle acquisitions, and furniture inventory records for the department;
- developing and maintaining new computerized systems for the department.

The Administration Division is made up of four sections: Financial Management, Personnel Services, Audit Services and Management Information Systems.

FINANCIAL MANAGEMENT SECTION

This section provides the department with services related to budget management and control, revenue and financial services, and support for strategic planning. As well, this section is responsible for inventory management and control. Key activities include financial planning and budget preparation, financial reporting, and budget control.

In 1989–90 the Finance Section continued enhancing the inventory system to provide more up-to-date information for audit and budget purposes. These changes will continue into 1990–91 to ensure managers receive the data they need to do their jobs.

The section was extremely busy as it processed invoices required to administer a staff of over 700 people. A main challenge was to oversee the management of a budget of nearly $40 million. As well, the control of intransit accounts, involving some $24 million in revenue, was taken over from the Department of Finance.

PERSONNEL SERVICES DIVISION

The Personnel Services Section is responsible for providing comprehensive support services to the department in a variety of areas including human resource planning, recruitment and selection, training, counselling, labour relations, performance appraisals, occupational health and safety, compensation and salary administration, and personnel and payroll records.

A total of 69 selection boards were held during the year to staff 47 clerical positions, 13 technical positions, 5 professional positions, and 15 management positions. An additional 35 civil service positions were established in the department during the year.

As of March 31, 1990, a total of 16 employees were absent on long term disability. There were 282 casual employees employed in the department.

During the year, the department continued to standardize the classification and salaries of approximately 175 Order-in-Council positions. The Personnel Section assisted staff and senior management in preparing appropriate position descriptions and in coordinating the classification process.

The permanent staff complement of the Department of Attorney General, as of March 31, 1990:

Classification	Number of Employees
Administrative Support	41
Clerical	360
Management	91
Solicitors (Civil)	29
Solicitors (Criminal)	66
Technical	74
Professional	20
Medical Services	1
Other	39
Total	721

AUDIT SERVICES SECTION

The Audit Services section serves all department managers by ensuring the integrity, efficiency, and effectiveness of departmental financial and operational activities, through the development, implementation, and control of comprehensive audit programs.

Established in December 1988, the Audit Section has initially concentrated on the operations of the public offices, with a particular emphasis on revenue collection. A total of 61 audits were completed during the year.

Future audits will review programs and policies within the department for the purpose of commenting on economy, efficiency, and overall operational effectiveness.

MANAGEMENT INFORMATION SERVICES

Established in September 1985, the original mandate of the Management Information Systems Section (M.I.S.) was to develop the Provincial Court Information System (PCIS), as well as to coordinate an existing facility (the Grantee-Grantor Index System) in the Registry of Deeds.

During the course of this work, it became apparent that many areas throughout the department were in need of automation. Furthermore, the nature of the requirements was such that a strategic Long Range Systems Plan was necessary, one that would ensure the proper integration of existing and prospective automated systems.

The MIS Section is currently staffed by eight permanent staff, and employs two to six external consultants for both existing systems support and new systems development.

With the establishment of the Solicitor General's department, the M.I.S. Section became responsible for coordinating and developing information systems for both departments.

M.I.S. was also made responsible for the identification and procurement of a hardware architecture that could access various applications such as PCIS and Registry of Deeds in one format and could also facilitate office automation via word processing and electronic mail.

Following is a brief overview of some of the major projects currently under way within the M.I.S. Section.

Provincial Court Information System (PCIS)

The PCIS system has been rewritten and streamlined to become part of the Justice Oriented Information System (JOIS), described below.

Justice Oriented Information System (JOIS)

The Departments of Attorney General and Community Services are developing integrated justice systems for Nova Scotia. These systems are cumulatively known as the Justice Oriented Information System (JOIS), designed and developed with a provincial perspective in mind.

The first step towards JOIS was the development of the Provincial Court Information System (PCIS), a Provincial Court system for tracking adults.

The Departments of Attorney General, Solicitor General, and Community Services, with financial assistance from the federal Department of Justice, initiated a joint project to analyse, design, and develop an integrated system that would help satisfy the legislative and administrative requirements of the Young Offenders Act. In addition, the

system provides management information, operational features and meets national statistical reporting requirements.

The JOIS project was initiated in 1988–89, with an Analysis and Design Phase project. The Development phase was initiated in April 1989, and continued until March 1990. All stages of the project were 80 per cent funded by the federal Department of Justice. The contribution agreement for the Analysis & Design phase was with the Department of Attorney General while the agreement for the Development phase was with the Department of Solicitor General.

Presently, JOIS can track both adult and young offenders through the many levels of court (Provincial, County, Supreme and Family) and custodial institutions. The long-term goals for JOIS include components for tracking people through probation, Alternative Measures, prosecutors', sheriffs' (prisoner transportation and court security) and police departments. A basic principle behind JOIS is to capture information at its source and disseminate it to others that require it.

The JOIS court component was developed using the operational PCIS system as a foundation. Extensive functional and technical changes to the court component allow system users to process both adults and youths charged with offences. The system tracks court cases from generation through to completion. Extensive details of an individual's personal information, charges, cases, hearings, and conclusions are tracked. An extensive financial component has also been developed to administer all monies received through fine sentences. The system can also enforce the disposition of fine sentences as well as alternatives to fines, known as the Fine Options program. All these features of the court component are supported by extensive reporting and inquiry capabilities.

A JOIS custody component has also been developed and tracks offenders (adults and youths) from the time of sentencing through to release from a correctional institution. This component has been designed and developed as an operational institution-based computer system (as opposed to an administrative statistical system). This includes ability to admit an individual to a correctional facility, assign him or her to a unit (cell), transfer the person to other units and institutions, and release him or her from custody. Other custodial tracking functions include "incident" and "temporary absence" tracking. An extensive reporting and inquiry component for head office of the Department of Solicitor General, correctional institutions, and federal departments also exist.

As of March 1990, the JOIS Court component has been implemented via the Department of Government Services network in 11 provincial court locations including Halifax, Dartmouth, Bedford, Yarmouth, Digby, Amherst, Truro, New Glasgow, Antigonish, Port Hawkesbury, and Sydney. Bridgewater and Kentville will join the network during the summer of 1990.

Registry of Deeds

The Registry of Deeds has a number of projects that are currently underway or in the final planning stages. Listed below is a brief summary of each.

Grantee-Grantor Index

The existing Grantee-Grantor Index system allows for the creation of computer-based indices for each of the 21 provincial registries. During this year, a project has been initiated to replace the old IBM data entry equipment with new multifunctional workstations for all registries. Support activities for this system are coordinated by M.I.S.

Micrographics

The micrographic preservation of land ownership documents at the Registry of Deeds was another project managed by M.I.S. in 1989–90. Project staff microfilms documents prior to their disintegration due to age and use. Some of the documents date back to 1749.

Deeds On-line Registration/Inquiry

Over the last 200 years, and in particular the last 25, the 21 Registry of Deeds offices' workloads have grown steadily.

In an attempt to deal with the backlog within these offices, the department has initiated a project called the Deeds On-line Registration Inquiry System (DORIS). This project is to automate many of the steps done in recording a document, and to provide searchers with on-line access to documents in process.

Departmental Hardware/Software

The department has standardized its networked microcomputer hardware and software. Over 120 multifunctional workstations have been acquired to be used in all courts, registries, and head office. These standard workstations provide users with productive tools and functions such as:

- access to the provincial IBM mainframe computer. This allows access to systems such as JOIS, HRMS, etc.
- local and remote printing
- word processing. The standardization of this type of software provides for excellent exchange of information internally.
- spreadsheets
- art and graphics
- electronic mail
- other office automation packages (calendar, calculator, etc.)
- data entry — used mostly in the Registry of Deeds offices
- electronic data transfer to the mainframe computer

Other Microcomputer-Based Systems

Over the last few years the M.I.S. Section has developed a number of micro-based software applications throughout both the Department of Attorney General and the Department of Solicitor General.

LEGAL SERVICES DIVISION

As a result of the establishment of the office of Director of Public Prosecutions in March 1990, the Legal Services Division was reorganized into two operating sections: Solicitor Services and Civil Litigation.

The Legal Services Division provides a full range of legal services to all government departments, boards, commissions and agencies.

The Executive Director and directors are responsible for developing programs, policies, and procedures that will ensure that the necessary expertise in each section is available to meet the needs of the division's diverse clientele.

CRIMINAL APPEALS SECTION

The Criminal Appeals Section is responsible for formulating policy and analysis of law respecting criminal appeals. This section is also responsible for maintaining intergovernmental liaison on the Criminal Code and for formulating policies for dealing with young offenders.

PROSECUTIONS SECTION

The Prosecutions Section is responsible for the application of the criminal law to prosecutions under the Criminal Code, the federal acts enforced by the province (including the Young Offenders Act), and offences under provincial statutes. This section oversees the training and evaluation of prosecuting officers to ensure consistency in prosecutions and to identify resource requirements.

Prosecutors are frequently asked by police to provide advice regarding whether the evidence gathered by the police is capable of constituting reasonable and probable grounds for a charge and, if so, what problems a charge may encounter. Once a charge is laid by the police, the prosecuting officer assumes full responsibility for the conduct of the prosecution in court.

In November 1989, the department established the position of Assistant to the Director, Prosecutions. This position was created to enhance the department's ability to provide timely responses to citizens'

complaints and inquiries and to coordinate professional development programs for prosecutors.

In December 1989, the department sponsored the first week-long professional development program for assistant prosecuting officers who have less than two years' prosecuting experience. Senior members of the defence bar, the prosecutor's office, the criminal appeals section, and the judiciary contribute to this program.

The Victims' Rights and Services Act was proclaimed in force January 1, 1990. This legislation established the Victims' Assistance Fund. Revenue for the fund is generated through a fine surcharge on federal and provincial offences. Funding has been secured from the federal Department of Justice to undertake a province-wide victims' needs and services assessment to determine priorities for the fund.

In March 1990, the Director of Public Prosecutions assumed his duties as head of the Prosecution Service. The establishment of this position signalled the commencement of a restructuring of the department, which will occur over the next year. The Criminal Appeals Section and Prosecution Section will become branches of the Public Prosecution Service of Nova Scotia, headed by the Director of Public Prosecutions. The Public Prosecution Service will establish four Regional Crown Attorney positions to create an effective middle management of the service.

SOLICITOR SERVICES SECTION

During the past year the Solicitor Services Section provided a full range of legal services to all government departments, boards, commissions, and agencies for the purpose of assisting in the performance of their respective statutory mandates. Legal services provided include:

- rendering legal opinions on the common law and on the requirements of provincial and federal legislation;
- providing legal advice and opinions respecting regulatory schemes and drafting proposed regulations and Orders-in-Council;
- helping government departments, boards, commissions, and agencies develop legislative initiatives;
- preparing legal documentation including commercial agreements and instruments of conveyance;

- assisting in negotiations between the Province of Nova Scotia, the Government of Canada, and municipalities and drafting related agreements;
- participating as resource persons in seminars and refresher courses offered by government departments and other organizations.

CIVIL LITIGATION SECTION

The Civil Litigation Section is responsible for the conduct of civil proceedings by or against the Crown (in some cases defending public servants) labour arbitrations, and assessment appeals. Section staff also represent boards and tribunals in judicial review proceedings and constitutional law matters, including civil proceedings involving the Canadian Charter of Rights and Freedoms.

In 1989–90 we opened 288 files—194 civil litigation, 79 labour, and 15 constitutional—and closed 167.

At the end of the year we maintained 310 active files (not including assessment appeals), spanning the full range of civil proceedings from relatively routine matters to the most complex.

During the year staff responded to major Charter challenges in the area of equality rights, such as abortions (Morgentaler), mandatory retirement (Sniders), and freedom of expression (Vickery and M.I.T.V.). They intervened on behalf of the Province in a number of constitutional cases before the Supreme Court of Canada on issues including mandatory retirement, random police stops, and workers' compensation. They carried a major provincial prosecution in relation to native hunting and were active in major policy initiatives.

Toward the end of the year the Provincial Tax Review Board was created, which has resulted in a significant increase in the number of tax appeals to which staff respond on behalf of the Minister. The full impact of this new appeal process on the section's workload will be more apparent next year.

COURTS AND REGISTRIES DIVISION

OVERVIEW

The Courts and Registries Division of the department is responsible for the provision of judicial administrative services and support functions, court administrative services, and related services to the public. Division staff provide efficient, equitable, and timely access to all court-related services in Nova Scotia.

SUPREME COURT OF NOVA SCOTIA

Appeal Division

The Appeal Division of the Supreme Court of Nova Scotia consists of the Chief Justice of Nova Scotia and six justices appointed federally by the Governor General in Council in accordance with the provisions of the Constitution Act.

The Supreme Court Appeal Division sits in Halifax. It has appellate jurisdiction in both civil and criminal matters from the Trial Division and the County Court and, on criminal matters, from the Provincial Court and the Youth Court.

The Appeal Court usually sits with a panel of three justices and on occasions with five. It may also sit with one or more divisions of three justices. One justice may hear interlocutory matters in chambers.

The Appeal Division heard 326 civil and criminal cases.

Trial Division

The Trial Division consists of the Chief Justice of the Trial Division and 11 justices appointed by the Governor General in Council. The judges of the County Court are appointed by the Governor General in Council to be "local judges of the Trial Division." As such, they have jurisdiction to exercise all powers and authority of a Trial Division justice in respect to the Divorce Act and any provincial enactment, provided jurisdiction is assigned to a local judge.

County Court judges exercise their jurisdiction as "local judges of the Trial Division" at the request of the Chief Justice of Nova Scotia or the Chief Justice of the Trial Division.

The Trial Division sits regularly in Halifax and Sydney and in 18 other locations with permanent court offices.

The Trial Division is a court of original jurisdiction and, as such, has complete jurisdiction in both civil and criminal matters arising in the Province of Nova Scotia, except in matters or cases expressly excluded by statute. The Trial Division administers the Divorce Act (1985) and the Bankruptcy Acts, both of which are federal acts with individual structures of administration and operation.

A Registrar of Divorce functions in each of the 20 court offices throughout the province. The prothonotary of the Supreme Court in each office holds the appointment of registrar. Most uncontested divorce cases are heard by local judges of the Trial Division outside the Halifax area. In Halifax, a justice of the Trial Division hears such cases.

The Bankruptcy Act is administered in a manner similar to the Divorce Act, except that the province is divided into four zones. The prothonotaries at Halifax, Yarmouth, Sydney, and Pictou hold the appointments of registrars. The Trial Division justices hear all bankruptcy matters of a contested nature when consent from both parties is not granted to the registrar to hear the matter.

The Trial Division has original jurisdiction in indictable offences tried by judge and jury, as provided by the Criminal Code of Canada. Unlike criminal matters, civil cases may be tried by judge alone or sitting with jury.

Cases of a criminal nature, including federal statutes such as the Narcotic Control Act and the Fisheries Act, tried by the Trial Division (Criminal) are with judge and jury.

Trial Division justices are all located at the Law Courts, 1815 Upper Water Street, Halifax, and travel to the other areas of the province with permanent registries to hold court as scheduled by the Civil Procedure Rules.

The Trial Division, sitting with jury, heard 462 criminal cases of various kinds during the year. On the civil side, 60 cases were heard by a judge sitting without jury, and 1 case was heard with jury. The

Supreme Court handled 1,253 bankruptcies, most of which were heard by the registrars with the consent of both parties. The Supreme Court Trial Division heard 2,749 divorces, with approximately half being heard at Halifax by a Supreme Court justice and the remainder being heard by local judges of the Supreme Court in other areas of the province.

There are 18 prothonotaries appointed to operate the registries of court offices throughout the province. They are accountable for the administrative and judicial support functions of the Supreme Court in the specific districts and for the effective and efficient application of the policies and procedures as set forth by statute, Civil Procedure Rules, and department requirements.

COUNTY COURT

The County Court consists of the Chief County Judge of Nova Scotia and nine other judges who sit as "local judges of the Supreme Court." All County Court judges are appointed federally by the Governor General in Council.

The County Court sits in 20 permanent locations in the province. These locations or registries are shared with the Supreme Court Trial Division. There are seven districts for the County Court. Halifax has the Chief County Court Judge of Nova Scotia and two other judges. Sydney has two County Court judges, and each of the other districts has one judge.

The County Court has original jurisdiction in actions where the amount in dispute does not exceed $50,000. The County Court has jurisdiction over marriage, custody, access, adoption, and change of name. The Small Claims Court is a division of the County Court in that all orders made in Small Claims Court are made an order of County Court and are enforced by that Court. The County Court has concurrent jurisdiction with the Supreme Court, Trial Division, over all criminal matters where the accused elects trial by judge alone.

The County Court hears appeals from the Provincial Court of summary Criminal Code matters and provincial statute offences under the summary appeal rules of the County Court. The County Court hears all appeals from the Small Claims Court, but by way of stated cases. All appeals originating from actions commenced in County Court are heard by the Supreme Court Appeals Division.

County Court judges sitting without jury heard 776 criminal cases. The majority of these cases were heard in Halifax and Sydney. County Court judges, on the civil side, heard 300 cases sitting without jury and 1 civil case with jury. Divorce cases heard by County Court judges sitting as local judges of the Supreme Court are included in statistics of the Trial Division. County Court heard 137 appeals from Small Claims Court by way of stated case, and County Court judges heard 396 appeal cases under the Summary Appeal Rules.

PROVINCIAL COURT

This division is responsible for the administration and operation of all Provincial Courts and Youth Courts dealing with offenders aged 16 or more in the province. All criminal proceedings commence in Provincial Court, and 95 per cent of all criminal prosecutions are heard by Provincial Court judges.

Judicial authority for the court is vested in the 27 judges of the Provincial Court, who have jurisdiction throughout the province. Administrative, judicial support, and quasi-judicial functions are the responsibility of the chief clerk in each of the 15 districts of the Provincial Court.

The Provincial Court has exclusive jurisdiction over all summary offences under provincial statutes and federal acts and regulations; and judges of the Provincial Court have exclusive original jurisdiction to try certain indictable offences and may hold preliminary inquiries when an accused elects trial in Supreme or County Court.

In 1987 the Province appointed the first bilingual judge to try matters in the French language.

The chief clerks and their staff are accountable for judicial support services, which include scheduling of court reporters/clerks; preparation and maintenance of court files, dockets and documentation; and marking, control, security, and disposal of tendered exhibits. The chief clerks, as administrative heads, are responsible for the efficient operation of the Provincial Court administrative offices by effective use of personnel to ensure proper receipt, recording, and distribution of monies received, collection of outstanding fines, and timely, accurate preparation of required reports, and by providing information and assistance to the judiciary, members of the Bar, police agencies, and the general public.

In Halifax, administration of the Provincial Court is the responsibility of the City, cost shared with the Province.

Justices of the peace provide the quasi-judicial functions of swearing informations, affidavits, and summonses; and designated justices of the peace are assigned the additional authority of signing remands, search warrants, and warrants for arrest. The chief clerk in each district is the chief designated justice of the peace.

Provincial Court Activity

The judicial caseload and administrative workload in the Provincial Court has been progressively increasing because of the number of:

- provincial statute cases, consisting mainly of Motor Vehicle Act offences, followed by offences under the Liquor Control Act, Wildlife Act and provincial Fisheries Act and Regulations;
- federal statute cases consisting of offences involving federal Fisheries Regulations, the Narcotic Control Act, Income Tax Act, unemployment insurance, national parks, Food and Drugs Act, and military bases (Government Property Trespass Regulations);
- cases under the Young Offenders Act, as proclaimed in the Province of Nova Scotia in September 1985.

COURT OF PROBATE

The Court of Probate is accountable for the protection of heirs-at-law and estate creditors by the proper interpretation and application of statute law of Nova Scotia.

There are within Nova Scotia 20 probate districts. Each has jurisdiction for the granting of probate or administration of estates, the appointment of executors, administrators, and guardians and general authority over estate matters within that specific probate district. The Court of Probate is not restricted by financial limitation as is the County Court.

The judicial authority in each probate district is the judge of probate. Administrative judicial support, and the quasi-judicial functions are the responsibility of the registrar of probate.

The Judges of Probate are the County Court judges for the County Court district in which the probate district is situated. The judge has jurisdiction over appeals from decisions of the registrar, applications for proof of a will in solemn form, order for sale of real property to pay debts, removal of executors or administrators, and adjudication of claims at the request of the registrar or parties involved.

The Registrars of Probate and their staff are responsible for generally ensuring that all estate matters are conducted in an orderly and legal fashion. The myriad of functions they perform include: granting Letters Testamentary or Letters of Administration; recording and keeping safe all original wills and probate documents; appointing guardians; holding show cause hearings; approving estate accounting, proctors' fees, and executors' and administrators' commissions and expenses; issuing the final order of Decree Absolute; and charging for services in conformance with the Cost and Fees Act.

The Registry of Probate is the repository for the recording and safe keeping of all court documents relating to estate matters.

Summary of Activity

Number of probates granted	2,185
Number of administrations granted	415
Number of estates closed	931
Total number of estates opened and closed	3,531

SMALL CLAIMS COURT

The Small Claims Court was established as a court of record of limited financial jurisdiction. It provides an inexpensive and informal court where laypeople, as well as professionals can present their legal problems without incurring the procedural difficulties and costs of the higher court.

The Small Claims Court was designed to allow claimants and respondents to conduct their own lawsuits. Small Claims Court staff guide claimants and respondents through the process but do not provide legal advice on the actions.

The financial jurisdiction of the Small Claims Court was originally set at $2,000 and was increased in 1986 to $3,000. The Small Claims Court has no jurisdiction in matters dealing with the ownership of land, wills,

landlord and tenant disputes, malicious prosecution, false imprisonment or defamation.

The fee for filing a claim in Small Claims Court is $20, and these costs may be awarded by the adjudicator to a successful claimant. Costs such as legal fees, should a party use a lawyer, are not allowed.

The adjudicators, all members of the Nova Scotia Bar, are appointed from various areas of the province by Order-in-Council. Clerks of the County Court, by virtue of the Small Claims Court Act, are clerks of the Small Claims Court. Other departmental personnel are appointed as clerks of the Small Claims Court and the sheriffs provide security as required.

The Small Claims Court has taken considerable pressure off the County Court in workload and has provided a forum for the public for speedy resolution of cases of small monetary value, which would otherwise go without legal adjudication.

During the period 1 April 1989 to 31 March 1990, a total of 9,921 cases were heard by the Small Claims Court adjudicators. From this number of cases only 137 were appealed. All appeals are by way of stated case and are heard in County Court. The appeal to County Court is the final appeal for any matter heard in Small Claims Court.

SHERIFFS' SERVICES

The sheriff in each of the 18 counties of the province is responsible for providing comprehensive support services to all levels of civil and criminal courts within the province.

These duties include the service of civil and criminal documents, the execution of court orders, collection of fines and monies under court order, court security, jury management, and prisoner transportation. The sheriff is an officer of the court and an ex-officio federal court marshall.

The traditional responsibilities of the sheriff commence with the service of Supreme and County Court originating notices through to execution orders, foreclosure orders, and seizure and sale of property under court order. These duties have expanded to include service and execution of divorce, Family Court, and Small Claims Court documents. The service of summons for civil trials and jury management for civil jury trials is also the responsibility of the sheriff.

The responsibility of the sheriff in regard to criminal courts has undergone significant expansion in recent years. The limited traditional responsibilities of jury management and some prisoner escort and transportation now include total responsibility for prisoner transportation and court security for all levels of court.

In 1986, with the transfer of full responsibility for transportation of prisoners throughout the province to the sheriffs, a new system of five regional prisoner transportation coordinators was implemented. Close liaison between coordinators is intended to effect efficient movement of prisoners, not only within the specific regions, but from region to region. This service is accountable for moving all accused persons, adult and young offenders, to and from court when on remand, and for the transport of prisoners after sentence.

The sheriffs transported over 11,823 persons during 1989-90.

A judicial committee was formed two years ago to address the security issues of all courts within the province. The limited responsibilities at that time included jury management, guarding of prisoners in court, and minimum general security in Supreme and County courts. The committee concluded the necessity of a uniform system of Court Security in all levels of court; and the sheriffs, as a neutral body having no affiliation w h police, prosecutor, or defence counsel and being officers of the court and familiar with the court system, were assigned the further responsibility.

In 1987 the task was undertaken to research the requirements to institute an effective court security program, develop a court security manual and develop an effective training program for sheriff officers.

The first area to be reviewed was the Law Courts Building in Halifax where with necessary changes and improvements an effective security program was implemented by March 31, 1988.

Limited security was put in place throughout the province. Where resources would permit, an analysis was completed to determine the requirements for effective security in all courts.

The sheriff's personnel spent 23,193 person-hours providing court security in the fiscal year.

As well, the sheriff is responsible for transportation of mental patients on behalf of municipal government units.

The statistics for the Sheriffs Division for the year 1989–90 are as follows:

Civil Courts

Number of Originating Notices received	3,612
Number served	3,189
Number of Execution Orders	6,228
Number of Sales by Execution	29
Number of Foreclosures	221
Number of Small Claims documents served	441
Number of Recovery Orders executed	324

Family Courts

Number of documents served	3,089
Number of hours to serve documents	6,171
Number of kilometres travelled to serve documnts	182 935

REGISTRY OF DEEDS

The Registry of Deeds is the repository for the recording of legal documents relating to real and personal property. There is a registry in each county, with an additional one in each of Lunenburg, Shelburne and Guysborough counties, for a total of 21 registries in the province.

The records in regard to real property set forth by deeds, wills, court orders or other documentation confirm legal title to a property and record as well mortgages, liens, judgments, or other restrictions that may encumber clear title to it. Chattel mortgages, liens, and bills of sale are recorded against personal property. Also filed at the registry are survey plans, subdivision plans, expropriation plans, and documents required by the Condominium Act.

The Registrar of Deeds is accountable to ensure that all documents submitted for registration are in proper and legal form and are then accurately recorded, indexed, and filed. Registrars and their staff assist members of the Bar or their representatives and the general public in searching the records lodged at the registry. Fees for their services are set forth in the Cost and Fees Act.

The department has been successful in the development and implementation of some computerized programs for the Registry of Deeds. Automation of the Grantor/Grantee, Bills of Sale, Judgment, and Assignment of Book Debts indexes was completed in all 21 registry offices in 1985. The system provides a cumulative printing of the indexes on a regular basis, enabling these indexes to be in proper alphabetical sequence.

A microfilming project has been undertaken with respect to the records at the Halifax Registry of Deeds. The object of this project is the preservation of historic records which are used daily. This project will be continued in the other 20 registries within the province.

REGISTRY OF JOINT STOCK COMPANIES

The Registrar of Joint Stock Companies provides for the administration of statutory procedures required for the creation of the companies with power to carry on business activities or other useful activities involving group participation in Nova Scotia. The office of the registrar administers the statutes respecting the registration of business names, proprietorships, and partnerships was well as the registration of corporations created in other jurisdictions.

The Registry of Joint Stock Companies provides for the filing of all documentation submitted under the statutes administered and provides a source of public information respecting all filings.

The registry operates on an automated on-line and retrieval system and handles in excess of 8,000 telephone calls per month, dealing principally with requests for information filed or name reservations requests. On average, the registry files contain in excess of 60,000 active registrations as well as an equal number of inactive registrations on businesses.

Statistics indicate that during the fiscal year ending March 31, 1990, new incorporations for both profit and non-profit corporations exceeded 2,500; extra-provincial or foreign registrations in Nova Scotia exceeded 600; and registrations of partnerships and proprietorships exceeded 5,000.

The registry receives in excess of 150,000 pages of paper per year, all of which must be examined, recorded, filed, and microfilmed. All filings become available to the public for viewing at the offices of the registrar.

The Registry of Joint Stock Companies also provides a central registry for recording debentures effected under the Corporation Securities Registration Act; and interested individuals or companies may, by checking with the registry, ensure that there are no outstanding liens or encumbrances against the company before entering into financial commitments.

REGISTRY OF REGULATIONS

The Office of the Registrar of Regulations was created by the Regulations Act. The registrar is appointed by the Governor in Council and has, under the act, the responsibility of filing and recording regulations. After receiving the regulation from Executive Council, a number and date is endorsed on the regulation. The material is proofread and a copy is sent to a typesetter in preparation for publication in the bi-weekly *Royal Gazette Part II*. After the galleys have been proofread, they are sent to the Queen's Printer for printing. The government bookstore has the responsibility for distributing the final printed copy.

The mandate of the Office of the Registrar of Regulations includes the proper indexing and the consolidation of all existing Nova Scotia regulations. Since the computerization of the department, the registry has published two editions of a biannual regulations index which has been distributed throughout the country and has been very well received by the legal profession and the public. The plan to put all consolidated texts on computer database is progressing.

Further duties of the registrar include maintaining close contact with the legal representatives of the departments issuing the enactments, assisting in the preparation of reprints, and consulting with respect to revision of regulations.

LIBRARY

The department's library provides research and information facilities to support the work of its civil and criminal legal staff at head office and to staff in outside offices. These services are also provided to the Nova Scotia judiciary and, in selected cases, to users from other government departments.

The library collection consists of approximately 12,000 volumes. It includes law reports, legal texts and encyclopedias, general textbooks, legislative materials, and government publications.

Extensive research is done in a wide range of legal and paralegal activities. These include utilizing resources in other government and legal libraries, extensive inter-library loans, and computer-assisted legal research of both Canadian and American case law and legislation.

New Initiatives

- Reorganization of the judges' library at the Law Courts
- Automation of all catalogues and indexed materials

The following represents library activities for the period April 1, 1989 to March 31, 1990:

Monographs and government documents catalogued	253
Annual reports received	75
Law reports received	1,897
Looseleaf updates received	355
Journals received	148
Legal opinions indexed	202
Reference/research questions received	1,175

OFFICE OF ALCOHOL AND DRIVING COUNTERMEASURES

The Office of Alcohol and Driving Countermeasures was established within the Department of Attorney General in 1984.

Its function is to heighten and sustain public awareness of the legal, health, and social hazards associated with impaired driving; providing resources to police and community groups attempting to reduce the incidence of driving after drinking; and working through junior and senior high schools with the hope of bringing about a generation of drivers who will not mix alcohol or other substances with driving.

The office is staffed by a coordinator and two secretarial staff. The coordinator works directly with the municipal police forces of the province and detachments of RCMP.

Programs and public awareness initiatives, including Christmas holiday sobriety checkpoints, are designed by the Alcohol and Driving Countermeasures Office, working with a committee of law enforcement officials from across the province. Meetings are held quarterly with representation from the RCMP and municipal police offices.

HIGHLIGHTS

- 1990 was the fourth consecutive year of decline in the number of drinking drivers involved in fatal road crashes in Nova Scotia:
  1987—52
  1988—44
  1989—41
  1990—39
- 1990 was also the fifth consecutive tragedy-free Safe Graduation year at the province's 91 senior high schools. For the 1990–91 school year, the Safe Graduation Program was expanded to take the road safety issue to students year-round. In addition, program emphasis on promoting safety to graduates was broadened to include grades 11, 10, and beginning drivers in grade nine.
- Police from across Atlantic Canada and Quebec joined their Nova Scotia counterparts at the beginning of December in a joint show of concern against drinking and driving at Amherst as part of the province's annual Operation Christmas Sobriety Checkpoint campaign. Over half a million holiday drivers have been checked for sobriety from 1984–1990.

CHIEF MEDICAL EXAMINER

The Chief Medical Examiner's Office is a quasi-judicial operation that functions under the authority of the Fatality Inquiries Act. It provides for the proper and efficient investigation of all violent, unexplained, unexpected and suspicious deaths in Nova Scotia. The investigation includes an examination of the scene, a thorough post-mortem examination, including autopsy when required, and certification of cause and manner of death. The complexity and sophistication of these procedures varies from case to case.

Judicial inquiries are called where required. An inquiry may result in recommendations that will contribute to the safety and benefit of others from the circumstances surrounding a death.

The Chief Medical Examiner of Nova Scotia reviews all reports done by Medical Examiners and Pathologists across the province.

During the year he supervised 345 medical examiner cases. He handled 99 of those cases personally. The Chief Medical Examiner performed 56 of the 160 autopsies performed this year.

A total of seven magisterial inquiries were held.

CRIMINAL INJURIES COMPENSATION BOARD

DUTIES OF THE BOARD

The Criminal Injuries Compensation Board considers applications to it by those who are victims of the types of crimes set forth in the Schedule to the Compensation for Victims of Crime Act. Compensation may be paid for expenses incurred as a result of the victim's injury or death; pecuniary loss or damage resulting from disability affecting the victim's capacity for work; pecuniary loss or damage incurred by dependants as a result of the victim's death; pain and suffering; maintenance of a child born as a result of sexual assult; and other pecuniary loss or damage resulting from the victim's injury. Compensation can be paid to the victim, the person responsible for the maintenance of the victim, and, where death has resulted, the victim's dependants or person or persons incurring expenses on behalf of the victim. The Board holds hearings for all of its applications except those from outside the province. The maximum which may be paid is a $30,000 lump sum payment or $1,000 per month in periodic payments.

Details of the Board's activities in 1989–90 may be found in the Annual Report of the Criminal Injuries Compensation Board.

Statistics

Number of applications filed	298
Hearings completed and awards granted	159
Applications dismissed	10

NOVA SCOTIA LEGAL AID COMMISSION

The 1977 Legal Aid Act created the Legal Aid Commission and made it responsible for legal aid in the province. The Commission has 17 directors, two of whom are non-voting members selected from the public service. All other directors are appointed by the Governor in Council: eight who are nominated by the Attorney General, and seven who are nominated by the Council of Nova Scotia Barristers' Society. One of the directors is named chairman and one represents the federal Department of Justice's interest. The directors need not all be lawyers; they represent all geographical areas of the province, serve three-year terms, and may be reappointed.

The Commission reports to the Attorney General, is audited by the Auditor General, and operates on an annual grant provided by the Province. Legal Aid is cost-shared by the federal government, and the Province may recover up to 90 per cent of the cost of legal aid services provided to young offenders, up to 75 per cent of the cost of adult crime services, and 50 per cent of the cost of family and civil legal aid.

The Commission delivers most of its services via a network of 11 community-based law offices known as Nova Scotia Legal Aid. The offices are staffed by salaried lawyers and, in certain situations, supplemented by lawyers in private practice on a fee-for-service basis.

In 1986, to assist in meeting increased service demand, the Commission created, and now annually funds, the Metro Community Law Clinic, which provides service to the Halifax/Dartmouth area. The clinic operates independently of Nova Scotia Legal Aid and has its own mandate and board of directors, but is directly responsible to the Commission.

Put very simply, Legal Aid provides a lawyer to someone who could not otherwise afford one. To be eligible for the service in Nova Scotia, an applicant must be receiving social assistance benefits or be in an equivalent financial position. It must be determined that there is some merit in the case, and that the applicant will receive some benefit if service is provided.

Nova Scotia Legal Aid Commission

April 1, 1989 to March 31, 1990

Applicants Accepted

	N.S. Legal Aid	Metro	Dal -1990	Total	Per cent
Criminal	8,823	714	29	9,566	43.19
Civil	10,925	1,452	205	12,582	56.81
Total	**19,748**	**2,166**	**234**	**22,148**	**100.00**

Completed Dossiers

Criminal	5,954	757	12	6,723	36.78
Young Offender	1,717	43	17	1,777	9.72
Civil	8,006	1,567	205	9,778	53.50
Total	**15,677**	**2,367**	**234**	**18,278**	**100.00**

Caseloads in Per cent of Time	**N.S. Legal Aid**	**Metro Community Law Clinic**
Criminal	48.29	30.99
Young Offender	11.56	1.99
Civil	40.15	67.02
Total	**100.00**	**100.00**

Number of Certificates Paid To Lawyers in Private Practice

	Paid	Per cent
Criminal	570	28.13
Civil	1,456	71.87
Total	**2,026**	**100.00**

Year End Certificate Expenditures

	Amount	Per cent
Criminal	387,538	40.79
Young Offender	24,386	2.57
Civil	538,257	56.64
Total	**950,181**	**100.00**

Year End Outstanding Certificates and Liability

	Cases	Per cent
Criminal	172	19.66
Young Offender	17	1.94
Civil	686	78.40
Total	**875**	**100.00**

PUBLIC TRUSTEE

The Office of Public Trustee was established under the Public Trustee Act and functions in reference to that act and other statutes that prescribe specific roles for the Public Trustee such as Hospitals Act, Patients' Abandoned Property Act, Adult Protection Act, Guardianship Act, Probate Act, and Presumption of Death Act. The Public Trustee:

- manages estates of living persons who need the services of a trustee, guardian, attorney or other fiduciary that are not readily available in the private sector to such persons;
- administers estates of deceased persons and has standing to apply for grant of administration or administration with will annexed in any case where no grant of probate or administration has been issued;
- may consent to medical or surgical treatment of a mentally incompetent hospital patient when consent cannot be obtained from the patient's guardian, spouse, or next-of-kin;
- acts as guardian *ad litem*, or representative in litigation, for minor, incompetent, deceased, missing, or unascertained litigants in respect to whom a court makes representation orders.

The Office of the Public Trustee is a corporation sole under that name with perpetual succession and an official seal; and, as such, the Public Trustee may sue and be sued in that name. The Public Trustee has the power and duties given to or imposed upon him or her by statute and such further powers and duties as the Governor in Council may prescribe. The person appointed to be Public Trustee has the status of a deputy head. The Governor in Council, a minister of the government, or a court is empowered to appoint the Public Trustee as guardian, custodian, trustee, executor, or administrator.

NOVA SCOTIA SECURITIES COMMISSION

The Nova Scotia Securities Commission performs certain quasi-judicial functions and manages the work of its staff efficiently. The Director is the Commission's Chief Administrative Officer and also performs certain statutory duties of the quasi-judicial nature.

The Commission's mandate is to protect the public interest by striving to ensure that capital markets in the province operate fairly and efficiently. It does this primarily in three ways:

- by vetting prospectuses and certain other disclosure documents that require the issuance of a final receipt or approval by the registrar pursuant to the Act or the Securities Regulations before an offering of securities can be made to investors;
- by requiring that participants in local securities markets, principally brokers and dealers and their sales representatives, are registered and meet the capital, proficiency, and other requirements set out in the Act and the Securities Regulations;
- by undertaking compliance and enforcement activities, including public education—the aim of which is to promote understanding of and compliance with securities laws—and by providing appropriate sanctions where it finds contraventions to the law.

FINANCIAL REPORT

	Appropriation ($000s)	
	1989-90 Estimate	**1990-91 Estimate**
REVENUE		
Administration	150	175
Law Administration	4,805	5,097
Public Offices		
Registry of Deeds	7,615	10,935
Registry of Probate	1,073	1,300
Prothonotary	928	1,135
Sheriffs	889	1,025
Companies Branch	3,880	5,011
Miscellaneous	50	60
Total — Revenue	**$19,390**	**$24,738**
ORDINARY EXPENDITURES		
GENERAL ADMINISTRATION		
Administration		
Office of the Minister and Deputy	417	805
Courts and Registries	499	735
Alcohol and Driving Countermeasures	175	185
Management Information Services	1,380	1,767
Administrative Services	722	812
Solicitor Services	1,535	1,738
Policy and Planning	118	259
Judges' General Expenses	1,053	1,141
Library Services	163	171
Registry of Regulations	—	209
Supreme Court Maintenance	361	401
Small Claims Court	295	291
Crime Compensation	634	968
Nova Scotia Legal Aid	7,300	8,424
Total — Administration	**$14,752**	**$17,906**
Funded Staff	149.0	157.5

	Appropriation ($000s)	
	1989-90 Estimate	**1990-91 Estimate**
Public Trustee		
Administration on Estates and Trusts	347	405
Legal Services	133	150
Total — Public Trustee	**$480**	**$555**
Funded Staff	12.5	13.5
Total — General Administration	**$15,232**	**$18,461**
Funded Staff	161.5	171.0
LAW ADMINISTRATION		
Criminal Prosecutions and Civil Actions		
Halifax Region	1,678	1,867
Central Region	756	822
Western Region	905	1,053
Cape Breton Region	569	822
Criminal Appeals	1,093	1,477
Victims of Crime	125	167
Solicitor Services	370	370
Medical Examiners	233	270
Ambulance Operators Program	0	0
Pathologists	120	120
Professional Services	86	86
Total — Criminal Prosecutions and Civil Actions	**$5,935**	**$7,054**
Funded Staff	104.1	114.7

	Appropriation ($000s)	
	1989-90 Estimate	**1990-91 Estimate**
Provincial Judges		
Administration, Cape Breton Region	577	638
Administration, Central Region	854	943
Administration, Halifax Region	1,050	1,097
Administration, Western Region	1,123	1,200
Chief Judge	173	204
Judiciary, Cape Breton Region	437	449
Judiciary, Central Region	707	801
Judiciary, Halifax Region	695	800
Judiciary, Western Region	834	946
French Language Trials	344	252
Judicial Conferences and Meetings	60	60
Grants, Canadian Association of Provincial Court Judges	2	2
Total — Provincial Judges	**$6,856**	**$7,392**
Funded Staff	126.2	125.4
Court Reporting		
Professional Circuit Court Reporters, Cape Breton Region	108	118
Professional Circuit Court Reporters, Central Region	151	158
Professional Circuit Court Reporters, Western Region	210	227
Court Reporting Services, Halifax Region	672	710
Total — Court Reporting	**$1,141**	**$1,213**
Funded Staff	32.9	32.7
Total — Law Administration	**$13,932**	**$15,659**
Funded Staff	263.2	272.8

	Appropriation ($000s)	
	1989-90 Estimate	**1990-91 Estimate**
PUBLIC OFFICES		
Registry of Deeds, Cape Breton Region	518	588
Registry of Deeds, Central Region	574	635
Registry of Deeds, Halifax Region	783	782
Registry of Deeds, Western Region	886	996
Registry of Probate, Cape Breton Region	108	119
Registry of Probate, Central Region	235	254
Registry of Probate, Halifax Region	187	196
Registry of Probate, Western Region	353	381
Prothonotary, Cape Breton Region	310	338
Prothonotary, Central Region	269	298
Prothonotary, Halifax Region	592	640
Prothonotary, Western Region	239	269
Sheriffs, Cape Breton Region	1,008	1,117
Sheriffs, Central Region	956	1,206
Sheriffs, Halifax Region	1,435	1,665
Sheriffs, Western Region	1,320	1,629
Sheriffs, Young Offenders Act	139	134
Total — Public Offices	**$9,912**	**$11,247**
Funded Staff	281.9	297.4
REGISTRY OF JOINT STOCK COMPANIES		
Administration	415	542
Data Processing and Accounting	348	396
Nova Scotia Securities Commission	733	873
Total — Joint Stock Companies	**$1,496**	**$1,811**
Funded Staff	31.0	35.9

	Appropriation ($000s)	
	1989-90 Estimate	**1990-91 Estimate**
Subtotal — Ordinary Expenditure	40,572	47,178
less chargeable to Department of Community Services	- 3,277	- 3,860
Total — Ordinary Expenditure	**$37,295**	**$43,318**
Total — Funded Staff	737.6	777.1
RECOVERIES		
General Administration	3,477	3,526
Law Administration	210	88
Public Offices	154	160
Total — Ordinary Recoveries	**$3,841**	**$3,774**
CAPITAL		
Furniture and Equipment	30	75
Other	75	100
Total — Capital Expenditure	**$105**	**$175**